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United States District Court
Southern District of New York

United States of America ex rel.)
TZAC, Inc.,)
)
 Plaintiff-Relator,)
)
 - against -) Index No.:
)
 Oxfam a/k/a Oxfam GB,) **COMPLAINT**
)
)
 Defendant.)
)

Plaintiff-Relator, complaining of the Defendant by its attorney, David Abrams, Attorney at Law, respectfully sets forth and alleges as follows:

I. Nature of the Case

1. This is a false claims act claim. The Qui Tam Plaintiff and Relator, TZAC, Inc. ("The Zionist Advocacy Center" or "Relator"), alleges that the Defendant obtained USAID funding by means of fraudulent certifications that it does not support terrorism.

II. Parties

2. The Defendant Oxfam a/k/a Oxfam GB ("Oxfam") is a British non-governmental organization based in London. Although it is located overseas, it regularly transacts business in the United States and in the Southern District of New York.
3. Oxfam is structured as a confederation of approximately 20 entities, each located in a different country with a central governing structure. These different entities act in concert, sharing personnel, facilities, and other resources. Indeed, Oxfam has adopted a "Single Management Structure" policy to ensure that in each location it operates, so that all affiliates operate jointly as "One Oxfam."

4. Oxfam is very much anti-Israel. For example, as stated by the research organization NGO Monitor:

Oxfam consistently paints a highly misleading picture of the Arab-Israeli conflict, departing from its humanitarian mission focused on poverty. Most Oxfam statements erase all complexity and blame Israel exclusively for the situation, and these distortions and their impacts contribute significantly to the conflict.

5. Relator TZAC, Inc. ("The Zionist Advocacy Center" or "Relator" or "Plaintiff") is a New York corporation with its principle place of business in the State of New York, County of New York. The Zionist Advocacy Center advocates on behalf of Israel.

III. Compliance With Requirements of Suit

6. This matter has been or will be filed under seal pursuant to 31 U.S.C. Section 3730(b); at or about the same time, a copy of the Complaint, Sealing Order, and Relator's disclosure of evidence were or will be served on the Department of Justice and the United States Attorney for the Southern District of New York.

7. Relator will not serve the Complaint or any other papers in this matter until and unless it becomes unsealed. Thus, if the Complaint is served on the Defendant, it means that the matter has been duly unsealed.

IV. Jurisdiction and Venue

8. This Court has jurisdiction pursuant to 31 U.S.C. Section 3732(a) which provides that this type of action may be brought in any district where the Defendant resides or transacts business. In this case, Oxfam regularly transacts business in the Southern District of New York. More specifically, Oxfam maintains offices at 205 E 42nd St, New York, NY 10017.

V. A Brief Statement of the Fraudulent Scheme

9. Oxfam has received substantial USAID funding in recent years. In order to be eligible for funding, Oxfam had to execute certifications indicating that it has not provided material support or resources to terrorist persons or entities in the last 10 years.

("Anti-Terrorism Certifications" or "ATC's") As set forth below, these certifications were false when made.

VI. The Specific Fraudulent Statements of the Defendant

10. In order to obtain USAID dollars, Oxfam had to execute ATC's in connection with the following:

Grant ID	Amount	Date
33098S003	\$1,947,232	9/21/2017
AIDOFDAG1700061	\$4,999,356	5/1/2017
AIDOFDAG1700217	\$1,140,620	7/18/2017
AIDOFDAG1700131	\$3,500,000	7/10/2017
AIDOFDAG1700271	\$1,000,000	8/12/2017
AIDOFDAG1600185	\$2,900,000	5/9/2017
AID-OFDA-G-16-00223-OXFAM	\$109,844	12/7/2016
AIDOFDAG1600241	\$749,963	9/27/2016
AIDOFDAG1600120	\$1,188,000	8/26/2016
AIDOFDAG1600057	\$3,450,000	6/3/2016
AIDOFDAG1600185	\$2,277,762	9/21/2016
AIDOFDAG1500192	\$125,000	6/24/2016
AIDOFDAG1600185	\$1,000,000	2/18/2017
AIDOFDAG1400117	\$1,682,381	6/24/2014
AIDOFDAG1400102	\$1,992,295	5/29/2014
AIDOFDAG1400116	\$2,986,516	6/10/2014
32332S004	\$282,755	10/22/2013
AIDOFDAG1400006	\$188,382	12/20/2013
AIDOFDAA1400005	\$4,033,598	3/1/2014
AIDOFDAG1400006	\$2,499,645	11/22/2013

AIDOFDAG1500172	\$1,227,341	7/8/2015
AIDOFDAG1500137	\$4,000,000	4/17/2015
AIDOFDAG1500221	\$1,700,000	7/17/2015
AIDOFDAG1500199	\$995,513	8/12/2015
AIDOFDAG1500054	\$690,646	2/5/2015
AIDOFDAG1500262	\$872,727	7/30/2015
AIDOFDAG1500192	\$625,000	8/6/2015
AIDOFDAG1500105	\$3,000,000	5/4/2015
AIDOFDAA1500038	\$1,599,814	8/10/2015
AIDOFDAG1500105	\$635,214	9/22/2015
Total:	\$53,399,604.00	

11. Among other things, the ATC form contained certifications as to support of terrorism. The terrorism certification states as follows:

The Recipient to the best of its current knowledge, did not provide within the previous ten years, and will take all reasonable steps to ensure that it does not and will not knowingly provide, material support or resources to any individual or entity that commits, attempts to commit, advocates, facilitates, or participates in terrorist acts, or has committed, attempted to commit, facilitated, or participated in terrorist acts

The document in turn defines "material support or resources" as follows:

currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses false documentation or Identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials."

12. As set forth in more detail below, Oxfam has provided material support or resources to Hamas, the de facto government in the Gaza Strip and/or to the Palestinian Authority.

13. More specifically, from approximately 2013 to 2017, Oxfam sponsored a project in the Gaza Strip to promote agriculture in urban and suburban areas. The project came

to be known as "GUPAP," which stands for "Gaza Urban and Peri-Urban Agricultural Platform."

14. Among other things, the GUPAP project provided support and assistance to the Ministry of Agriculture and Ministry of National Economy in Gaza.

15. Since Hamas controls the government in the Gaza Strip, the substantial effect of such assistance is to aid Hamas, which has been a Designated Foreign Terrorist Organization by the U.S. State Department since 1997.

16. However, even if this were not the case, the Ministry of Agriculture and the Ministry of National Economy are nominally subdivisions of the Palestinian Authority ("PA").

17. For at least 20 years, the PA has operated the Palestinian Authority Martyrs Fund, commonly known as the "Pay-to-Slay" Fund. The Pay-to-Slay Fund is set up to encourage terrorist acts against Jewish Israelis by providing financial rewards to the families of such terrorists. The more serious the act of terrorism, the greater the amount of financial compensation.

18. Thus, the Palestinian Authority is an "entity" that "facilitates" terrorist acts in that it takes steps to ensure that potential terrorists know that if they are killed or incarcerated as a result of their terrorism, their families will be provided for. The Pay-to-Slay Fund has been a matter of public knowledge for many years.

19. Accordingly, it is clear that Oxfam has provided material support to an entity or entities which engage in and/or facilitate terrorism.

VII. (Count I) Violation of the False Claims Act

20. The False Claims Act imposes liability on a person or entity who "knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim" 31 U.S.C. Section 3729(a)(1)(B)

21. The Courts have held that this can include false statements regarding eligibility to participate in a program. See *United States ex rel. Kirk v. Schindler Elevator Corp.*, 601 F.3d 94, 116 (2d Cir. 2010), rev'd on other grounds, 131 S.Ct. 1885 (2011) ("[C]laims may be false even though the services are provided as claimed if, for example, the claimant is ineligible to participate in the program.")

22. Thus, Oxfam's certifications regarding support of terrorism violated the False Claims Act because they were false and required for eligibility for USAID dollars.

VIII. Relief Sought

23. On behalf of the government, Relator is seeking judgment for the triple damages and civil penalties set forth in 31 U.S.C. Section 3729.

24. According to the government spending web site, Oxfam has received approximately \$53,399,604.00 in USAID grant funds in recent years. These funds would have been received as a result of fraudulent certifications including those referred to above.

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25. Accordingly, Relator seeks judgment in the amount of \$160,198,812.00 against Oxfam and in favor of the United States, together with costs, interest, civil penalties, an appropriate qui tam award, and such other and further relief as the Court deems just.

Respectfully submitted,

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